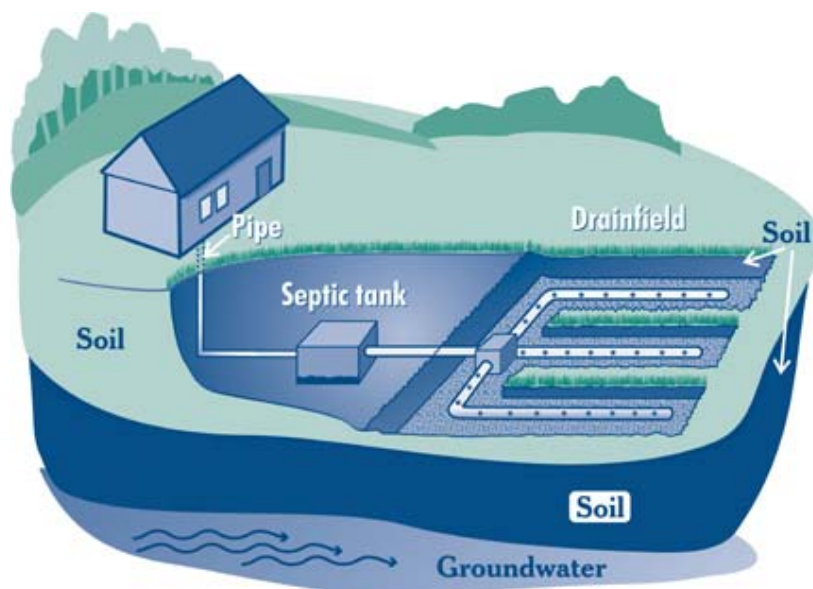


Georgia Coastal Incentive Grant Cycle VI: Management Measures for OSDS

Model On-site Disposal System (OSDS) Maintenance Ordinance



Source: EPA online at <http://cfpub.epa.gov/npdes/wastewatermonth.cfm#graphic>

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INTRODUCTION AND PURPOSE

An Ordinance to abate water pollution caused by failing on-site sewage disposal systems; regulate the treatment and dispersal of wastewater from all systems not served by a county-provided or municipal wastewater treatment system; manage the risks to public health, safety, and the natural environment associated with the threat of a malfunction or failure of on-site sewage disposal systems; prescribe the powers and duties of the _____ County Commission; provide for the administration of this Ordinance; and to establish penalties for its violation.

The County of _____ adopts this Ordinance on this _____ day of _____, 20____, that states the procedures, standards, and enforcement that shall be used by the county, to manage all property and premises containing an On-site Sewage Disposal System (OSDS) in order to promote the safety, health, and general welfare of the community by ensuring that OSDS maintenance is performed at least once every five years and failing or malfunctioning OSDS are corrected by property owners.

ARTICLE 1

GENERAL PROVISIONS

Section 101 – Title

These regulations shall be known as the **On-site Sewage Disposal System Maintenance Ordinance**, hereinafter known as “this ordinance” or “the ordinance,” of the county of _____, hereinafter known as “this County” or “the County.”

Section 102 – Intent

1. To protect the public health, safety, and natural environment by providing a maintenance program for on-site sewage disposal systems in the County and measures to correct failing or malfunctioning systems.
2. To provide for regular OSDS maintenance service, pump-outs, and repairs.
3. To provide for the implementation, administration, and enforcement of this ordinance by the _____ County Commission, to prescribe the powers and duties of the commission, and to provide penalties for violation of this Ordinance.
4. To provide communities with information regarding the locations and conditions of existing on-site sewage disposal systems through a county-run database.

Section 103 – Effective Date

This Ordinance shall become effective upon its approval by the _____ County Board of Commissioners and the County Executive Officer.

Section 104 – Administration

This Ordinance shall be implemented, administered, and enforced by the _____ County Commission and the cooperation of the County Board of Health.

Section 105 – Applicability

The provisions of this Ordinance apply to land parcels on which on-site sewage disposal systems service residential, commercial, industrial, institutional, and other facilities or structures.

ARTICLE 2

DEFINITIONS

Section 201 – Definitions

The following rules of language shall apply to the text of this Ordinance: The word “shall” is mandatory. The word “may” is permissive. When not consistent with the context, words in the present tense shall include the future and words designating singular numbers shall include the plural.

This Ordinance is added in place to provide management of on-site sewage disposal both previously installed and operating, and for future systems once they are in-ground and installed. In addition to words and terms defined in Section 202, refer to definitions found in the rules and regulations provided in the Georgia Department of Human Resources Public Health Chapter 290-5-26: On-site Sewage Management Systems: <http://health.state.ga.us/pdfs/environmental/290-5-26.pdf>.

Section 202 – Words and Terms

The following words and terms used in this Ordinance, unless otherwise expressively stated, shall have the following meaning:

1. **County Board of Health** means the County Board of Health established by the Official Code of Georgia Annotated (O.C.G.A. 31-3-1) or its designee.
2. **Failure or Malfunction** – The terms “failure” or “malfunction” is defined as follows: 1) the backup of sewage into a structure; 2) discharge of effluent onto the ground surface; 3) the connection of an OSDS to a storm drain; 4) liquid level in the septic tank above the outlet invert; 5) structural failure of a septic tank; 6) discharge of sewage into any stream or other body of water; 7) the liquid level in a disposal field above the outlet holes in the pipe of such field; 8) unsafe water sample; 9) substantial nonconformance with water well construction requirements; 10) substantial nonconformance with water well isolation from contamination source requirements.
3. **Maintenance** – The term “maintenance” shall mean service or pumping of an OSDS and involves the pumping out of the septic tank and any required service to the drainage field lines as determined by a certified service personnel.
4. **Municipality** – The term “municipality” shall mean any incorporated city, village, or township within the County.
5. **On-Site Sewage Disposal System** – The term “OSDS” shall mean an on-site sewage disposal system and is such a system installed on property not serviced by a county or municipal sewage treatment system. Such term shall describe, without

limitation, conventional and chamber septic tank systems, privies, and non-mechanical experimental and alternative on-site sewage disposal systems which are designed to have a subsurface discharge of effluent approved by the State of Georgia.

6. **Owner** – The term “owner” shall mean any person who has legal title to any property.
7. **Property** – The term “property” shall mean any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation or control, that contains any type of structure that is, was, or will be inhabited either permanently or transiently and contains a septic tank, drains, drain field, underground tank or pipes or similar appurtenances containing sewage or other contaminants or combination thereof.
8. **Service Personnel** – “Service personnel” shall be licensed septic contractors certified by the State of Georgia and registered with the county; shall be proven capable to perform the routine maintenance measures herein, and shall be experts on the inner and outer design, operation, and performance standards of on-site sewage disposal systems.

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ARTICLE 3

MAINTENANCE REQUIREMENTS

Section 301 – Routine OSDS Maintenance, Repair, and Reporting

The tank and field lines of all septic systems or other approved, on-site sewage disposal systems (hereinafter referred to as “OSDS”) within the County shall be regularly serviced as required herein:

- Required maintenance or servicing of OSDS within the County must include pumping of the septic system’s tank(s) and any additional service to the drainage field lines by OSDS maintenance service personnel certified by the State of Georgia and registered with the County Health Department. The maximum service interval for required OSDS service shall not exceed five years from the date of the last certified inspection and service.
- Maintenance service, pump-out, and repairs shall be at the expense of the property owner.
- Ninety (90) days before the expiration of the five year service period, a “Notice for Service Due” letter shall be mailed by the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE] to the property owner. A “Proof of Maintenance and Inspection” form will be included with the letter. This form shall be completed, signed, and dated by the service personnel and property owner. The property owner shall provide the form to the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE] upon completion of service (see below).
- Property owners who have had maintenance performed on their systems before their regularly scheduled interval and without a “Notice for Service Due” letter from the County, or who did not receive such notice and who would like to credit the procedure to the County record by reporting this unscheduled service to the County, can obtain a substitute form from the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE]. Any certified completed service will establish the beginning of the five year service interval.
- Upon completion of the maintenance and any necessary repair to the septic system, the service personnel shall certify that the work was completed in accordance with accepted professional standards and practices and that the system is functioning properly. The service personnel and property owner must complete, sign and date the “Proof of Maintenance and Inspection” form accompanying the “Notice for Service Due” letter or a substitute form acceptable to the County.
- Either the “Proof of Maintenance and Inspection” form or the substitute form

must be submitted by the property owner as an original document to the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE] for approval no later than 10 days following required service. An assessment of the on-site sewage disposal system by the designated service personnel shall be required each time that a system is serviced. The “Proof of Maintenance and Inspection” form shall indicate the condition of the septic tank, disposal site (drainage field lines), and the quantity pumped. No copy or facsimile transmission will be accepted.

- The County shall issue the property owner an operating permit for use after completion of the previous requirements. Operating permits are issued on five-year intervals; however, they shall expire at any sale or transfer of property or at system malfunction or failure, for which the operating permits will be reinstated upon proof of maintenance service prior to sale or proof that malfunctioning systems have been repaired.

Section 302 – Record Keeping and Service Scheduling

The County shall develop a database of existing systems and incorporate future systems and maintain the database at the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE]. The database shall include the parcel number, address, name of property owner, description of system (operating, failing, etc.), and the date of service. The County shall develop and utilize the “Proof of Maintenance and Inspection” form in order to maintain the said database.

The five-year service schedule shall begin in accordance with one of the following schedules:

- Option 1 – Ninety (90) days after approval of this Ordinance for all OSDS
- Option 2 – Ninety (90) days after approval of this Ordinance for new OSDS; Phased in date for existing OSDS

The intent shall be to incorporate all properties with on-site septic disposal systems into the county database; however, parcel number and address may not be available for all OSDS in the County at the time of approval of this Ordinance. For existing OSDS not accounted for in the county database at the time of approval of this Ordinance, the five-year service schedule shall be phased in and will commence upon one or more of the following events:

- Alteration of an existing OSDS;
- Sale or transfer of a property upon which an OSDS exists.

Property owners shall be exempt from the initial service requirements if they are able to submit verification to the County that their system was serviced within 24 months prior to enactment of this Ordinance, and further routine maintenance may not be required until

the subsequent due date as recorded in the County's database, providing all other provisions of this Ordinance are satisfied.

Section 303 – Proof of Service

The property owner shall submit proof of OSDS maintenance to the County upon completion of said maintenance. The "Proof of Maintenance and Inspection" form shall be provided by the County along with the "Notice for Service Due" letter 90 days prior to the service period and it shall be completed, signed and dated by the property owner and the certified service personnel. The completed "Proof of Maintenance and Inspection" form shall be submitted by the property owner within ten (10) days following service to [INSERT APPROPRIATE COUNTY AGENCY NAME HERE]. These reports shall be freely available to the public upon demand.

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ARTICLE 4

RESPONSIBILITIES OF VARIOUS PARTIES

Section 401 – Property Owner Responsibilities

The property owner shall be responsible for hiring certified service personnel to perform septic tank pump-outs and any additional service to the drain field lines. Owners are also responsible for submitting the “Proof of Maintenance and Inspection” form to the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE] certifying that service was completed and that the system is functioning properly. Owners are also responsible for notifying the County of any transfer of property and submitting a “Proof of Maintenance and Inspection” form obtained from the [INSERT APPROPRIATE COUNTY AGENCY NAME HERE]. Owners shall also notify the County in the event of a possible failing system in order to request an evaluation.

Section 402 – Service Personnel

Service Personnel are responsible for conducting septic tank pump-outs and any additional service to the drain field lines. Service personnel are also responsible for completing and signing the “Proof of Maintenance and Inspection” form and providing to the completed form to the property owner.

Section 403 – County Responsibilities

The County shall enforce the provisions of this ordinance and maintain the OSDS permit database, all blank forms, completed forms, violations, and any other material related to on-site sewage disposal system information with the County records. The County shall designate the septic contractors and other certified personnel for OSDS maintenance and inspection. Furthermore, the County shall notify property owners as to an event of land use and/or zoning changes and the availability of municipal sewage treatment system connection. County entities appropriate for carrying out these tasks are at the discretion of the County.

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ARTICLE 5

MALFUNCTIONING OR FAILING SYSTEMS

Section 501 – Guidelines

An on-site sewage disposal system shall be deemed to be a malfunctioning system if sewage is allowed to discharge or flow from it on said property into any storm drain, stream, water body, gutter, street, roadway, or subsurface of any property as to create a nuisance or a condition detrimental to public and environmental health. Substantial backflow from the leaching area (drainage field lines) into the tank during a tank pump-out shall also be considered an indication of a malfunctioning system as determined by registered and certified service personnel.

In addition, any and all parts of an OSDS that are found to be damaged, misaligned, or missing (such as but not limited to a cracked lid, missing “T” or misaligned outflow line) shall constitute a malfunctioning system.

The property owner shall notify the County upon signs of failure or malfunction of an OSDS and the County shall examine the system to determine the malfunction; however, if the owner fails to provide notification of a failing or malfunctioning system, and the County is notified of such an event, the County shall have the right to investigate the property to determine if a system is failing or malfunctioning. The County shall provide the property owner written notification which shall communicate the specifics of the OSDS malfunction. All property owners with an OSDS shall be responsible for correcting the malfunctioning of such systems within [INSERT SPECIFIED TIME PERIOD HERE] from receipt of the County’s notification, and shall provide the County proof that the malfunctioning system has been corrected.

Section 502 – Determine Best Solutions for Correction

In the event that a failing or malfunctioning system has been identified, the County shall determine the best solution for the property owner. If feasible, the failed systems shall be pumped, disconnected from the structure and sealed, and the property shall be connected to the County or municipal sewage treatment system, otherwise, the failing system shall be brought into compliance with the OSDS performance standards of the State of Georgia.

ARTICLE 6

VIOLATIONS

Section 601 – Fines and Punishments

The County must ensure the protection of the public health, safety, and the natural environment. Failure to adhere to the provisions set forth in this Ordinance shall constitute a violation of this Ordinance. Violations of this Ordinance may be punishable by a fine not exceeding _____, as well as community service targeting the public good and Public Works. In addition, the County may seek to recover any and all costs relating to correcting, removing or abating the violation.

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ADOPTION AND EFFECTIVE DATE

This Ordinance is hereby adopted this ____ day of _____, _____, and shall be effective immediately upon its adoption, the public welfare demanding it.

COUNTY COMMISSION

Chairman

ATTEST:

County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

County Attorney